NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.05 H, Closed Area No. 28, Tenants Harbor to Mosquito Head, St. George, promulgated on February 25, 1994, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.05 H, Closed Area No. 28, Tenants Harbor to Mosquito Head, St. George.

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Tenants Harbor and vicinity, St. George, inside and westerly of a line beginning at a red painted post located on the shore about 100 yards south of Atwood Brothers Lobster Pound. From this point the line runs in a southerly direction to the most western point on Northern Island; then in a southeasterly direction to the most northeastern low tide mark on Southern Island; then following said low tide mark easterly and southerly to its most southeastern point; then running southerly to the navigation aid C"1" at Hart Ledge; then running southwesterly to a red painted post located approximately 400 yards due north of Mosquito Head.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: June 17, 1997

AGENCY CONTACT PERSON:

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THE COURIER GAZETTE June 21, 1997

STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.05 H, Closed Area No. 28, Tenants Harbor to Mosquito Head, St. George, promulgated on February 25, 1994, and replaces it with a new regulation. This new regulation reduces the size of the original closed area by opening the small cove on the north shore of Mosquito Head.

Department personnel have sampled and surveyed this area and determined that the newly opened area is free of microbiological pollution. The remainder of the closed area is subject to intermittent microbiological pollution or the potential for such pollution from overboard discharges and is closed to protect public health.

Deputy Commissioner

 $Z: \verb|\CLOSURES| \verb|\AREAS|. CL| 28DFT. WPD|$

